

In re: Lee et al.
Serial No.: 10/657,596
Filed: September 8, 2003
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REMARKS

Claims 1-36 are pending. Claims 37-52 have been cancelled subject to the Restriction Requirement. The cancellation of these claims affirms the election made by Applicants' representative during a telephone conversation of February 8, 2005.

Claims 1-36 are rejected under 35 U.S.C. §102(e) as being anticipated by Saito et al. Applicants respectfully traverse this rejection.

The U.S. filing date of Saito et al. is April 17, 2003. This is the §102(e) date. This filing date is after the priority date of the present application, February 26, 2003, based on Korean Application No. 2003-12044. As such, Saito et al. does not constitute prior art from which a §102(e) anticipation rejection may be upheld:

The effective date of a domestic patent when used as a reference is not the foreign filing date to which the application for patent may have been entitled under 35 U.S.C. 119(a) during examination. *In re Hilmer*, 359 F.2d 859, 149 USPQ 480 (CCPA 1966). *See also*, *M.P.E.P.* §706.02(f).

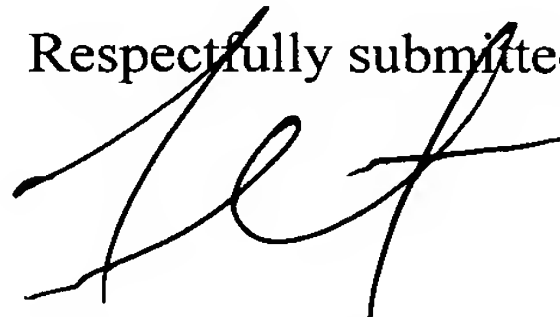
Applicants believe that the concurrently submitted English translation of the certified copy of Korean Patent Application No. 2003-12044 satisfies the requirements to establish the priority of February 26, 2003, of the present application which is earlier than the filing date of Saito et al. Therefore, Saito et al. is not a §102(e) reference and the pending claims are allowable. Applicants respectfully request the withdrawal of the §102(e) rejections and the allowance of Claims 1-36.

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CONCLUSION

Accordingly, Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any small matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,



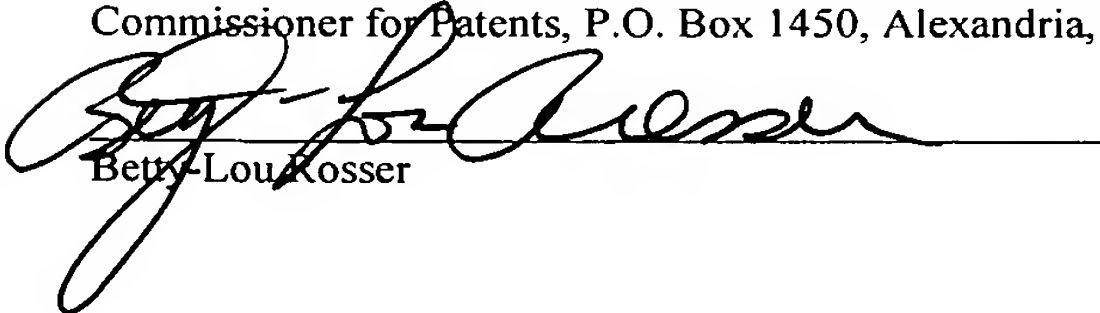
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Betty-Lou Kosser